

DOCUMENT RESUME

02656 - [A1652650]

[Small Business Status]. B-189293. June 7, 1977. 1 pp.

Decision re: Bay Cities Refuse Service, Inc.; by Paul G. Dembling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel; Procurement Law I.

Budget Function: National Defense: Department of Defense -
Procurement & Contracts (058).

Organization Concerned: Department of the Army; Small Business
Administration; West Coast Salvage Co.

Authority: 15 U.S.C. 637 (b) (6). B-185830 (1976).

The protester questioned the small business size status of a competitor who was awarded a small business set-aside contract. GAO will not consider a protest questioning the small business status of a company since the authority to determine the size status of business concerns is vested in the Small Business Administration. (Author/SC)

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DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

P. G. Dembling

FILE: B-189203

DATE: June 7, 1977

MATTER OF: Bay Cities Refuse Service, Inc.

DIGEST:

GAO will not consider protest questioning small business status of concern since authority to determine size status of business concerns is vested in SBA.

By letter dated May 25, 1977, incorporating counsel's letter of May 18, 1977, Bay Cities Refuse Service, Inc., protests the prospective award of a contract for refuse collection services to West Coast Salvage Co. (West Coast), under solicitation No. DAKF01-77-B-0032, a small business set-aside, issued by the United States Army. Essentially the protest questions West Coast's small business size status.

Pursuant to 15 U.S.C. § 637(b)(6) (1970) the authority to determine the size status of a business concern is exclusively vested in the Small Business Administration and is not subject to GAO review. Cottrell Engineering Corporation; Barnegat Bay Dredging Co., Inc., B-185830, March 2, 1976, 76-1 CPD 152. Thus, we will not consider the protest on the merits.

Paul G. Dembling
Paul G. Dembling
General Counsel